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THE
Doctrin of Passive Obedience
AND
JURE DIVINO disproved,

And Obedience to the present Government, proved from Scripture, Law, and Reason. Written for the satisfaction of those who are dissatisfied at the present Government: By a Layman of the Church of England.

GOD by no Word binds any People to this or that Form of Government, till they by their own Act bind themselves.

None ought to advance the Greatness of his Sovereign, with the Publick Detriment.

The end of Magistracy, is the good of the whole body, head and members conjunctly; but if we speak divisim, then the good of the Society is the ultimat end, and next to that, as conducent to that, the Governours Greatness and Prerogative.

The Measure of our Government, is acknowledged to be by Law, and therefore the King cannot confer Authority to any beyond Law; so that those Agents deriving no Authority from him, are meer Instruments of his Will, unauthorized persons, in their assaults Robbers.

King Charles the First's Declaration at Newmarket 41. says, that the Law is the Measure of his Power.

There is no Absolute Authority, where there is no Absolute Subjection due, and there can be no Absolute Subjection due, where there is no Absolute Authority; no man wants Authority to defend his Life against him, who has no Authority to take it away, but no man whatsoever has any just Authority (that is, any Authority at all) to take it away contrary to Law.

A

He

He that resists the Usurpations of Men, does not resist the Ordinance of God, which alone is forbidden to be resisted ; but Acts of Arbitrary and Illegal Violence, are the Usurpations of men, therefore may be resisted.

We are bound not to part with our Lives, but to defend them, unless when the Laws of God, or our Countrey require us to lay them down.

Voluntary Slavery is a sin against the Law of Nature, which no man in his right mind can be guilty of.

Self-Defence, never did any mischief in this World, and it is impossible, that one man's righting himself, can do another man wrong, the mischief that happens in that case, is wholly to be charged upon those that Invade Mens Lives and Liberties, and thereby put them upon a necessity of defending them.

Every man has the right of Self-preservation as intire under Civil Government, as he had in a state of Nature: Under what Government soever I live, I may still kill another man, when I have no other way to preserve my Life from unjust Violence by private hands ; now the hands of Subordinat Magistrates employed in Acts of Illegal Violence, are private hands, and armed with no manner of Authority at all ; of which this is a most convincing proof, that they may be hanged by Law, for such Acts which no man can, or ought to suffer for what he does by Authority ; for illegal Violence is no part of their Office.

What can be more contrary to Reason and the Government of the World, yea, to the Goodness and Wisdom of Almighty God, than that some thousands or millions of people should be so subjected to the power of one man, of the same Infirmities with themselves, as in case he should command all their Throats to be cut, they are obliged under the pain of no less than Damnation (by a thing called Passive Obedience) to submit their Necks tamely to the blow !

Kings were made to Govern and Protect the People, not to Destroy them ; but I never heard that the People were made for Kings.

Ab,

Ah, but some do object, the Corporation Oath binds us to
 the Passive, the Design whereof I shall here enquire into, viz.
 This Oath was made quickly after the Restoration of King
 Charles the 2^d, from an Unnatural Rebellion, and a Popish King
 was not then thought of, King Charles the Second, being as like-
 ly, or likelier to live than the late King James, and can it be
 thought this Oath was made with any other design than to pre-
 vent the like Rebellion for the future, that as soon as we were
 delivered from one unreasonable Tyranny and Oppression, we
 should run our selves wilfully into another, (which is in effect,
 if this Oath is to be taken in the strictest sense) or at least stand-
 ing to the mercy of the Prince, whether he will be so or no ;
 can any man be so ridiculous as to think, the Legislators design-
 ed by this Oath to bind themselves and the Community to be
 so passive, that if the King endeavoured to cut our Throats, or
 overthrow the Laws, Rights, and Priviledges of the Subject,
 and endeavour to bring in Popery and Slavery, we should stand
 still and let him ? Let all the World judge, whether it can
 with any reason be thought.

If an absolute Monarch should degenerate into so monstrous
 unnatural a Tyranny, as apparently to seek the destruction of
 the whole Community, then such Community may negatively
 resist such Subversion, and if constrained to it, positively resist
 such Endeavours, and defend themselves by force; against any
 Instruments whatsoever for the effecting thereof. First David
 did so when pursued by Saul, he made Negative Resistance by
 flight, and doubtless if Negative would not have served the
 turn, he intended, secondly, to make positive Resistance, else
 why did he strengthen himself by Forces, but by that Force of
 Arms to defend himself? If then he might do it for his particular
 safety, much rather may it be done for the publick, especially
 in a limited Monarchy.

Resistance ought not to be made against all Illegal Proceedings,
 but such which are subversive and unsufferable, as when there

is an Invasion actually made, or eminently feared by a Foreignine Power, or when by an Intestine Faction, the Laws and Frame of Government are secretly Undermined, or openly Assaulted, and in both these cases the Being of the Government being endangered, the Peoples safety and trust binds them, as well to assist the King in securing, as to secure it by themselves, the King refusing.

A Monarch acting according to his Power, not exceeding the Authority which God and the Laws have conferr'd on him, is no way to be opposed, either by all or any of his Subjects, but in Conscience to God's Ordinance obeyed. This is granted on all sides.

The Prince is bound to the Laws, on the Authority whereof his Authority depends, and to the Laws he ought to submit.

The end of a King is the general good of his People, which he not performing, he is but the counterfeite of a King.

The Obligation of an Oath, is dissolved by the cessation of the matter of it, or by any remarkable change about the principal cause of the Oath, the Obligation of a Nations Allegiance to their Prince can be nothing else, but his being in Actual Capacity to Command and Protect them; whensoever therefore this Actual Capacity is changed, then the Obligation to Obedience must be changed also.

The Reciprocal Obligation there is between the King and the People, binds the one to Protection and just Government, and the other to Tribute and Obedience; and those duties of Protection and Obedience appear to be Co-relative; so the Law has appointed reciprocal Oaths, to be taken for the better enforcing the performance of these respective Duties, that is the Coronation Oath on the King's part, and the Oath of Allegiance on the Subjects, which is an Agreement or Covenant between King and People: all Agreements are Covenants, but much more that, which hath the Obligation of an Oath to bind it.

I ask whether it is not as reasonable, a King Conspiring the ruine

Foreign and destruction of his People, by breaking his Oath or
 Frame, contract, and destroying the very Foundation of Government,
 faulted, and in Lieu thereof bringing in Popery and Slavery (as the
 indan-ate King *James* did) he should forfeit and lose the Right of
 to as. Governing, as that the People conspiring against him should
 the King suffer Death.

I ask whether the Authority which is inherent in our Kings
 be Boundless, and Absolute, or Limited and Determined? so
 that the Act which they do, or Command to be done without
 that Compass and Bounds, be not only sinful in themselves,
 but Invalid, and not Authoritative to others.

The word Loyal comes from the *French* word *La Loy*, which is
 to be Legal, or True to the Laws of the Land; and on the con-
 trary, he that obeys the Commands of his Prince, contrary to the
 Laws of the Land, (is so far from being Loyal,) that he is an Illeg-
 all Person, and a Betrayer of the known Laws of his Countrey.

Passive Obedience, is Popery established by Law, whenever
 the Prince shall please, and by Consequence Slavery; whereas
 the Subjects of *England* never were Slaves in any Particular,
 nor ever would be in the darkeſt Times of Popery.

I ask where was the Doctrine of *Passive Obedience*, when
 Queen *Elizabeth* assisted the *Hollanders*, against their Lawful
 Sovereign the King of *Spain*, and when she assisted the Pro-
 testants of *France* at a vast Charge, in the Reigns of *Charles*
 the Ninth, and *Henry* the Third, and in King *Charles* the First's
 Reign, the Expedition of *Rochel* was carried on by King and
 Parliament, and Cordially agreed to by the Fathers of our
 Church, and yet the Protestants of *France* could never pretend
 to any such Priviledges as *England* can justly Claim.

The late King *James's* Life has been but one continued, and
 formed Conspiracy against our Religion, Laws, Rights and
 Priviledges, and what can be expected from such a Prince
 (who is a *Romanist*) and has Violated his Oath before God
 and Man, and endeavours to Re-establish himself with the
 Sword,

Sword, by the Assistance of one of the greatest Tyrants that ever the World produced.

It cannot be proved, that Monarchy was Originally instituted by God Almighty, or that we are Commanded to obey Kings, Exclusively to all other Government.

I ask where was there such a thing as a King for the first Sixteen hundred years, and up-wards, which is to the Deluge, or for several hundred years after it : the first King (at least the first mentioned in Holy Writ) is *Nimrod*, of the Posterity of *Cham*, who began his Kingdom in the second Century after the Flood, whose Kingdom was founded by Force and Violence; so that the very foundation of Monarchy seems to be laid from this Person, which makes but little for *Jure Divino*. If Kings are by Divine appointment, is it not Rational to believe, that God would have Commanded all the World to have been Governed by Kings, or at least the Christian World, and have given them a particular Law to Govern by ?

If Monarchy be *Jure Divino*, then all other Governments is Sinful.

Allegiance is due to him from whom we receive Protection; this is allowed by all the World, else why do men, after having Sworn Allegiance to their Native Prince, and going into another Countrey, swear Allegiance to the Prince thereof.

Allegiance is due to a King in Possession, (who is called a King *De facto*,) and Treason may be committed against him, as well as against a King by regular descent; and yet by the Law, Treason cannot be committed against the Rightful Heir, (who is called a King *de Jure*) who is out of Possession of the Crown, and all Judicial and Political Acts done by a King *de Facto* are as Valid and Obligatory, as if they had been done by a Rightful King, in actual Possession of the Throne: whereas, on the contrary, all such Acts done by a King *de Jure*, who is not in Possession of the Crown, are totally void: in like manner the Law prefers the Peace and Order of the Polity, be-

are the particular Rights of the King himself; and the great
 of the Regal Authority, and of the Law it self, is the Quiet
 and Prosperity of the Common-wealth.

It's an acknowledged *Aphorism*, that the safety of the People
 the Supream Law, and therefore to be preferred before Titles
 Succession.

The Succession of the Crown of *England* is not by Divine
 Right, but by Political Institution, and all the Prerogatives
 and Authorities of the Crown belong to the Successor *de Facto*,
 and not to the Heir *de Jure*, or *ex ordine*, being out of Possessi-
 on, and that Allegiance is due in such case to the former, and
 not to the latter.

All the Proofs that are brought out of the Gospel for Obe-
 dience to Princes, do confirm this Maxim of our Law; for nei-
 ther our Saviour or his Apostles bid Christians enquire into the
 Right and the Title of the *Roman* Emperours, but obey them,
 under what Government it was their Lot to fall, for few of
 them could pretend a Legal Title to the Crown.

I Challenge all the *Passive Obedience* and *Jure Divino* Men in
England, nay in the whole World, to answer these Assertions
 and Propositions, and prove the Doctrine of *Passive Obedience*
 and *Jure Divino* by Scripture, Law, or Reason; when these
 are proved, I dare be bold to affirm the Nation will send for
 the late King *James*, and submit to his Yoke, and lay down
 their Necks upon the Block, and stand to the mercy of the
French and *Irish* Dragoons to cut their Throats.

I Conjure all the dissatisfied Persons in their Majesties Do-
 minions to be satisfied with these Assertions and Propositions,
 or to answer them, and shew sound reason for their Dissent from
 the present Government, for a wilful Schism in the State is a
 Sin, and he that Endavours to sow Dissention amongst the
 People,

People, and to draw their-Majesties Subjects from the ir t
Allegiance, is guilty of a double Sin.

And because it may be Objected, in answering these Prop
ositions they must be forced to Write against the Governmen
(I do promise) if they send a short, but direct Answer, to M
Randal Taylor's, to Print it, with a Reply annex to it.

Licensed May 7. 1689. J. Fraser.

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